



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – JANUARY 24, 2006**

## **MID MONTH MEETING MINUTES<sup>1</sup>**

**JANUARY 24, 2006**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

**Members present:**

**William Elkins, President**

**Sean Harrigan, Member**

**Anne Sheehan, Member**

**Patricia Clarey, Member**

#### **2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

The joint portal project shared by DPA and SPB is in the planning stages. The vendor, after meeting with focus groups comprised of potential state employees, current state employees, and personnel office employees from various agencies, has submitted two potential title pages to the web site. Hard copies of the proposed title pages were distributed to the Members. The next step in the project is to ask the focus groups to select the title page they prefer. There are funds for this project in the proposed budget and they hope to kick off the joint portal in the next fiscal year, so are planning for it now.

On February 8, 2006, the Senate Rules Committee will hold a confirmation hearing for our newest Board Member, Pat Clarey. Executive staff is preparing Pat for that process and all signs indicate that she will be confirmed.

The next full meeting on February 7, 2006, in Los Angeles, will be very brief. There is one oral argument on calendar and it may settle.

#### **3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

The trial court has issued a tentative decision in the San Diego vs. State of California (state mandates for POBAR) case. The court, while sympathetic to the counties, found that the mandates are not related to the state agency budgets and that the doctrine of separation of powers prevents the court from granting the requested relief of taking funds from agency budgets and giving it to counties. The court held that the state must comply with the court order requiring it to pay the judgment over a 15-year period, unless the state wants to pay the award

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<sup>1</sup>The Minutes for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

sooner. Although the Chief Counsel has not yet had an opportunity to discuss the tentative decision with the DAG, she understands that the AG's office considers it a win for the state. The parties are invited to submit briefs on the tentative decision, but the Chief Counsel is not certain whether the AG will do so.

The Supreme Court heard oral arguments in the Connerly v. State of California case. The issue involves a Real Party in Interest's (RPI) obligation to pay a portion of the attorneys' fees award when the RPI spearheads the litigation. The parties are now engaged in a series of correspondence wherein they are alleging the oral arguments were misleading. The Supreme Court has 90 days from the date of argument (1/10/06) to decide the case.

**4. REPORT OF CPS HUMAN RESOURCE SERVICES**

Jerry Greenwell, Chief Executive Officer, CPS, gave a brief report on recent activities of CPS.

**5. NEW BUSINESS**

**NONE PRESENTED**

**6. REPORT ON LEGISLATION – Sherry Hicks**

**NONE PRESENTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**9. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,  
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,  
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,  
United States District Court, Northern District of California.

**10. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**11. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

12. **DISCUSSION OF COMING BOARD MEETING SCHEDULE OF FEBRUARY 7, 2006, IN LOS ANGELES, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

13. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 20, 2005**

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

14. **EVIDENTIARY CASES** - (See Case Listings on Page 9-14)

15. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION** - (See Minutes Page 18-19)

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

16. **NON-EVIDENTIARY CASES** - (See Case Listings on Page 15-16)

17. **NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It was anticipated that the Board would act on these proposals without a hearing.

On January 24, 2006, the Board took the following action on the following proposal as presented by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE PRESENTED**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following classifications which have been vacant for more than two years and have been designated Footnote 24, which specifies that a classification will be abolished when it becomes vacant.

<b>Title</b>	<b>Class Code</b>
Medical Consultant, State Board of Medical Quality Assurance	7820
Supervising Architect, Health Facilities	4122
Vocational Instructor, Industrial Arts, Correctional Facility	2598
Energy Specialist II (Forecasting)	4612
Senior Insurance Compliance Officer (Supervisor), Department of Insurance	8574

**18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE PRESENTED**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF, POLICY, RESEARCH AND FORECASTING BRANCH**

The Department of Health Services proposes to allocate the above position to the CEA category. The responsibilities of the Chief, Policy,

Research and Forecasting Branch include providing management direction; conducting projects that are highly sensitive and potentially controversial, or those involving representatives of the Legislature, other state departments, or the federal government; and advising the Deputy Director on issues of public policy.

**DIRECTOR, OFFICE OF PUBLIC AFFAIRS**

The Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Director, Office of Public Affairs acts as the Agency Secretary's designated spokesperson; develops, directs and coordinates the Department's public relations policy and program; assists and advises the Secretary and executive staff on communications and media policy issues, and, as requested, acts as liaison between the Secretary and Executive staff and the media, other outside organizations, and Department staff.

**ASSISTANT DEPUTY DIRECTOR, INFORMATION SERVICES DIVISION**

The Department of Social Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Information Services Division is responsible for developing and implementing policies, standards, and procedures for the newly established Office of Systems Oversight.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, BOARD PROCEEDINGS**

The Board of Equalization has withdrawn their proposal to reallocate the above CEA allocation effective December 21, 2005.

**DEPUTY DIRECTOR, EXTERNAL AND LEGISLATIVE AFFAIRS  
CHIEF, E-GOVERNMENT AND TAXPAYER SERVICES DIVISION  
MEDIA MANAGER, MEDIA RELATIONS SECTION  
MANAGER, RESEARCH AND STATISTICS SECTION**

The Board of Equalization has withdrawn their proposals to establish a new CEA allocation titled Deputy Director, External and Legislative Affairs and to reallocate the following existing CEA allocations: Chief, E-Government and Taxpayer Services Division; Media Manager, Media Relations Section; and Manager, Research and Statistics Section effective December 28, 2006.

**ACTION: NOTED**

**20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**NONE PRESENTED**

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE PRESENTED**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE PRESENTED**

**23. BOARD ACTIONS ON SUBMITTED ITEMS – (See Minutes - Page 17)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on these Minutes under Evidentiary Cases.

**A D J O U R N M E N T**



#### 14. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

##### A. **BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On January 24, 2006, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

##### (1) **GARY GARFINKEL, CASE NO. 98-3128RBA**

Appeal for determination of back salary, benefits and interest

**Classification:** Deputy Attorney General IV

**Department:** Department of Justice

Proposed decision rejected July 13, 2005

Transcript prepare

Pending oral argument October 3, 2005, Sacramento

Oral argument continued

Oral argument heard November 1, 2005, San Diego

Case ready for decision by FULL Board

**NO ACTION**

##### B. **CASES PENDING**

##### **ORAL ARGUMENTS**

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE PRESENTED**

##### C. **CHIEF COUNSEL RESOLUTIONS**

**NONE PRESENTED**

**COURT REMANDS**

These cases would have been remanded to the Board by the court for further Board action.

**NONE PRESENTED**

**STIPULATIONS**

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE PRESENTED**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On January 24, 2006, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

**(1) ROBERT BROWNLEE, CASE NO. 05-0154 &  
STEVEN POTTER, CASE NO. 05-0198**

Appeals from dismissal

**Classification:** Officer

**Department:** Department of California Highway Patrol

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissals.

**(2) JAMES GUTIERREZ, CASE NO. 05-2308**

Appeal from three working days suspension

**Classification:** Youth Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the three working day suspension.

- (3) **DONALD HANSEN, CASE NO. 05-0722E & 05-0723E**  
Request to file charges  
**Classification:** Departmental Construction & Maintenance  
Supervisor and Supervising Civil Engineer  
**Department:** Department of Parks and Recreation  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
dismissing the appeal.
- (4) **SUSAN HOBAUGH, CASE NO. 05-0642**  
Appeal from ten percent reduction in salary for twelve qualifying  
pay periods  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
revoking the ten percent reduction in salary for twelve qualifying  
pay periods.
- (5) **ARTHUR B. JAIME, JR., CASE NO. 05-2858**  
Appeal from dismissal  
**Classification:** Custodian  
**Department:** Department of General Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
dismissing the appeal.
- (6) **EDDIE MABRY, CASE NO. 05-0138**  
Appeal from four work days' suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
modifying the four work day suspension to a two day suspension.
- (7) **JAMES MAYBIE, CASE NO. 05-1141**  
Appeal from 15 percent reduction in salary for ten months  
**Classification:** Accounting Officer (Specialist)  
**Department:** Employment Development Department  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
sustaining the 15 percent reduction in salary for ten months.
- (8) **SHANE MEE, CASE NO. 04-2474**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision  
revoking the dismissal.

- (9) **RICK OCHOA, CASE NO. 04-2373B**  
Appeal for determination of back salary, benefits and interest  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
**ACTION:** The Board rejected the ALJ's Proposed Decision on backpay determination.
- (10) **RODNEY SCOTT, CASE NO. 05-0195**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the dismissal.

**Proposed Decisions Taken Under Submission At Prior Meeting**

These would have been ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE PRESENTED**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE PRESENTED**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE PRESENTED**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On January 24, 2006, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey - Aye

- (1) **MOHSIN M. BHOJANI, CASE NO. 05-0835P**  
Appeal from ten percent reduction in salary for 12 months  
**Classification:** Individual Program Coordinator  
**Department:** Department of Developmental Services  
**ACTION:** The Board denied the appellant's petition for rehearing.
- (2) **SPENCER PETERSON, CASE NO. 05-1476EP**  
Appeal from discrimination complaint  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board denied the appellant's petition for rehearing.
- (3) **MARCIA FAYE WALDOW, CASE NO. 05-1612P**  
Appeal from dismissal  
**Classification:** Key Data Operator  
**Department:** Employment Development Department  
**ACTION:** The Board denied the appellant's petition for rehearing.

#### **WHISTLEBLOWER NOTICE OF FINDINGS**

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE PRESENTED**

#### **F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **RONALD FRANKLYN, CASE NO. 05-2105A**  
Appeal from 20 working days suspension  
**Classification:** Officer  
**Department:** Department of California Highway Patrol  
  
Proposed decision rejected December 20, 2005  
Pending transcript  
**NO ACTION**

**(2) ALEJANDRO GILL, CASE NO. 05-0054RA**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006

Pending transcript

**NO ACTION**

**(3) EDUARDO PEREZ, CASE NO. 05-0763A**

Appeal from five percent reduction in salary for six months

**Classification:** Parole Agent I (Adult Parole)

**Department:** Department of Corrections

Proposed decision rejected November 1, 2005

Pending transcript

Pending oral argument February 7-8, 2006, Los Angeles

**NO ACTION**

**(4) ERNEST PITMAN, CASE NO. 05-1591A**

Appeal from dismissal

**Classification:** Motor Vehicle Field Representative

**Department:** Department of Motor Vehicles

Proposed decision rejected December 6, 2005

Pending transcript

Pending oral argument March 7-8, 2006, Sacramento

**NO ACTION**

**(5) RICHARD QUADRELLI, CASE NO. 05-1039A**

Appeal from dismissal

**Classification:** Caltrans Maintenance Supervisor

**Department:** Department of Transportation

Proposed decision rejected December 6, 2005

Pending transcript

Pending oral argument March 7-8, 2006, Sacramento

**NO ACTION**

**16. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE PRESENTED**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

**NONE PRESENTED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases would have been heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board would have been presented recommendations by a Hearing Panel on each appeal.

**NONE PRESENTED**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE PRESENTED**

**MINIMUM QUALIFICATIONS**

**NONE PRESENTED**

**MERIT ISSUE COMPLAINTS**

**NONE PRESENTED**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE PRESENTED**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board would have been presented recommendations by Appeals Division staff for final decision on each request.

**NONE PRESENTED**

**PETITIONS FOR REHEARING CASES**

**NONE PRESENTED**



**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. GARY GARFINKLE, CASE NO. 98-3128RBA**

Appeal for determination of back salary, benefits and interest. Deputy Attorney General IV. Department of Justice. (Oral Argument heard November 1, 2005)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

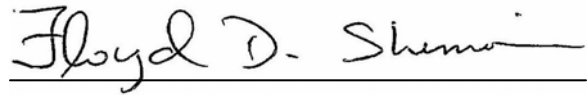
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on January 24, 2006.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

A handwritten signature in black ink, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd D. Shimomura  
Executive Officer  
California State Personnel Board